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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 12, 1999

Ms. Magalie Roman Salas
Secretary, Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

EX PARTE OR LATE FILED

RE: *Ex Parte* Presentation
In the Matter of Communications Assistance for Law Enforcement
Act, CC Docket No. 97-213

Dear Ms. Salas,

U S WEST Communications, Inc., a common carrier that provides both wireline and wireless services, generally supports the arguments made by the Cellular Telecommunications Industry Association ("CTIA") on Friday, July 9th of this year in the above-referenced proceeding. In particular, that *Ex Parte* focused on the "appropriate implementation date the Commission should adopt for the [Communications Assistance for Law Enforcement Act] CALEA assistance capability requirements."¹

U S WEST agrees with the CTIA that a bifurcated deployment schedule for CALEA mandates is undesirable,² from both a physical implementation and an economic perspective. Duplicate efforts and spending seem entirely predictable from such a structure. Any CALEA-related standards work can be expected to strongly implicate modifications to the existing J-standard (J-STD-025). As just a single example, if the Commission changes the requirements for packetized information, the J-standard compliance date will have to be pushed out beyond June 2000 because the standard will have to be modified. As CTIA states, a "bifurcated development of additional technical

¹ See Letter to Ms. Magalie Roman Salas, Office of the Secretary, from Michael Altschul, dated July 9, 1999 ("CTIA July 9th *Ex Parte*") at 1.

² CTIA notes that the Further Notice suggests a bifurcated deadline structure for CALEA implementation, with compliance of what the FCC describes as "the core requirements of J-STD-025 (excluding the packet mode feature)" by mid-year 2000, with the deadline for "additional technical requirements" being set separately. See In the Matter of Communications Assistance for Law Enforcement Act, Further Notice of Proposed Rulemaking, 13 FCC Rcd. 22632 (1998) ("Further Notice"), as discussed in the CTIA July 9th *Ex Parte* at 1-2.

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requirements will be the functional equivalent of a second development effort.”³ The industry, the economy and consumers all deserve the most efficiently-designed CALEA implementation model possible. In keeping with such model, obvious inefficiencies should be minimized to the greatest extent possible.

Additionally, U S WEST generally supports the proposed CTIA argument around the proper date/timeline for a single implementation timeline, to be extended out until at least December 2001.⁴ Simply put, required modifications to the J-standard most probably cannot be completed within 180 days of release of the Report and Order.⁵ As the CTIA points out, at least nine months is necessary simply to modify the standard and for voting/balloting on the changes to take place (i.e., six months to draft and develop the standards associated with enhanced CALEA features;⁶ two months for ballot approval and one month for ballot review).

And, once the standard is established, manufacturers will require additional time (generally 18 to 24 months after the adoption of a stable technical standard) to deploy new capabilities.⁷ Finally, once the capability is available from the manufacturers, it takes carriers at least six to eighteen months to cycle in the purchase, installation and testing of the new capability into their networks.

In light of the above (i.e., to allow for a single rather than a bifurcated implementation process and to accommodate a fairly predictable deployment timeline for an as-of-yet not finalized industry standard), the CTIA suggests that at least 30 months after the release of the Report and Order will be required for implementation of the FCC’s CALEA mandates.⁸ U S WEST, in fact, can imagine that it will take even more

³ CTIA July 9th *Ex Parte* at 2 (underline in original; footnote omitted).

⁴ Id. See note 7, *infra* regarding how the CTIA date might not accommodate all the needs of wireline carriers, requiring further modification to the deployment schedule for such carriers.

⁵ It would be foolish to say that such is impossible. There are certain factors and variables that might allow such to occur (e.g., if there is general agreement to pick up where the standards work left off and attempt to modify the standard, where appropriate, rather than start from scratch; if those suppliers already well down the road in creating enhanced CALEA capabilities share their knowledge and experience), but there are other facts that suggest just the opposite (e.g., modifications spawning other modifications; the FBI’s “pushing the envelope” on the mandated requirements, causing internal divisiveness and contention). In any event, experience strongly suggests that each of these factors will not “cut right” such that the aggressive proposal can be achieved. We agree with those educated in these processes who suggest a less than 50% chance that such a date could be met. Sound federal regulatory and public policy is not made aligning mandates with such percentages.

⁶ This process involves the reaching of a common understanding or consensus on the requirements of the enhanced CALEA features, including the development of text supporting the capabilities.

⁷ Our wireless vendors actually often beat our wireline vendors with respect to vendor product development. Thus, their work might be done on a shorter time frame.

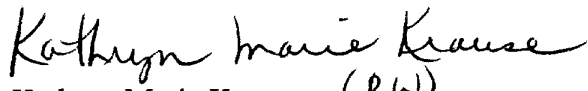
⁸ As the CTIA notes, even the Department of Justice (“DOJ”) has acknowledged that it will take the industry at least 18 months to achieve compliance with any FCC mandated revisions after the revisions

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time.⁹ But what is a certainty among all the conjecture about actual implementation dates is that any federal mandate that attempts to require compliance within 180-days will merely generate multiple petitions for waivers/stays. Such a date most probably cannot be met.¹⁰

Please see that this letter is incorporated in the record associated with the above-referenced proceeding.

Sincerely,


Kathryn Marie Krause (RW)

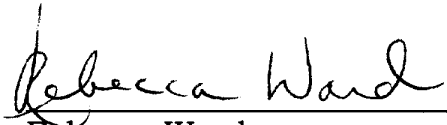
have been promulgated. CTIA July 9th *Ex Parte* at 3, citing to DOJ comments filed in this proceeding, Dec. 14, 1998.

⁹ For example, in conversations with the FBI we have advised them that our proposed CALEA implementation dates run into the years 2002 and 2003 for our entire base of wireline switches for the existing J-standard.

¹⁰ While it is true that any date that is established can be expected to generate *bona fide* requests for deviation from the mandated date, the more conscripted the date the more predictable the filings and the larger the volume.

CERTIFICATE OF SERVICE

I, Rebecca Ward, do hereby certify that on this 12th day of July, 1999, I have caused a copy of the foregoing **EX PARTE** to be served, via hand delivery or first class United States Mail, postage prepaid, upon the persons listed on the attached service list.



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